

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

David L. Gillaspy, :
Plaintiff(s), : Case Number: 1:11cv303
vs. : Chief Judge Susan J. Dlott
Commissioner of Social Security, :
Defendant(s). :
:

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge J. Gregory Wehrman filed on June 1, 2012 (Doc. 18), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired June 18, 2012, hereby ADOPTS said Report and Recommendation.

Accordingly, plaintiff's first assignment of error is **DENIED**.

Plaintiff's second assignment of error is **GRANTED**.

This case is **REMANDED** to the Commissioner pursuant to Sentence Six of 42 U.S.C. § 405(g), where the Commissioner will procure further documentation from the VA regarding the evidentiary basis for plaintiff's disability finding, and review plaintiff's claim in light of it and the evidence presented to the Appeals Council.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court